

Attorney for Debtor

IN RE:

VANDA HO-CHING

Debtor,

HEARING DATE: October 2, 2018  
HEARING TIME: 10:15 A.M.

COMES NOW, the Debtor, VANDA HO CHING, by and through her attorney, Zeltzer, Esq., and hereby updates the Court on the status on resolution of a post-fault by the Debtor on her mortgage loan with BSI Financial Services (hereafter BSI), a recent motion for relief from stay that was denied on July 31, 2018. The Court set this matter for a hearing to determine the status on a mortgage loan modification that was offered to the Debtor at the time the Motion for Relief from Stay was filed on February 14, 2018.

**HEARING STATUS CONFERENCE STATEMENT**

1. This case was filed as a Chapter 13 bankruptcy on October 27, 2016, the plan was confirmed on April 19, 2016.
2. A continued hearing on BSI's motion for relief from the automatic stay was held on July 31, 2018, and that motion was denied. The court set this instant Status Conference hearing to review the mortgage modification that was offered to the Debtor but denied based on the assertion that the Debtor failed to turnover the requested documents. And to allow BSI to clarify/explain the reason behind a Notice of Mortgage Payment Change that was filed on June 8, 2018.
3. Since the July 31, 2018 hearing there has been a change of counsel for BSI. See Doc 40, Substitution of Attorney. This substitution was filed with the court on September 19, 2019.
4. On or about September 4, 2018, BSI notified undersigned counsel that they had begun a review of the documents that Debtor had sent them on the loan modification request, but needed several additional documents that had not been provided by the Debtor, see attached Exhibit "A" attached hereto and incorporated herein. This notice was sent to the Debtor on September 6, 2018, for her to review and obtain the requested documents.
5. In communication with BSI's previous counsel they requested that the loan modification documents be sent directly to them to ensure BSI received the documents for review on a possible loan modification. See Exhibit "B" attached hereto and incorporated herein.
6. In the last communication with BSI's new counsel its attorney has stated that BSI cannot offer a loan modification to the Debtor, and has requested that the Debtor enter into an adequate protection order to cure the post-petition default on Debtor's mortgage loan with BSI. See Exhibit "C" attached hereto and incorporated herein.
7. Debtor has all of the requested documents for the loan modification review and was prepared to send the documents to BSI, or its counsel on September 20, 2018, but was

1 later notified of BSI's new counsel a loan modification is not possible.

- 2 8. Undersigned counsel has not responded to BSI's present counsel's request to enter  
3 into an adequate protection order.  
4

5 Submitted this 28 day of September, 2018.

6 /s/Nathan R. Zeltzer  
7 Nathan R. Zeltzer, Esq.  
8 Attorney for the Debtor  
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EXHIBIT A

EXHIBIT A

1425 Greenway Dr  
Suite 400  
Irving, TX 75038  
Toll Free 866-581-4514  
Fax 800-878-4645  
www.bsifinancial.com

September 4, 2018

VANDA T HO-CHING  
2740 DAHLIA WAY  
RENO, NV 89512

RE: Mortgage Loan #: [REDACTED] 8151

Dear VANDA T HO-CHING:

This notice is to confirm receipt of the documentation you submitted in connection with your foreclosure prevention alternative application. Your application and documents have been received and assigned to a Loss Mitigation Specialist. The following deficiencies currently exist and the missing information must be provided within thirty (30) calendar days from the date of this letter:

1. Need updated completed and signed financial form/package (enclosed)
2. Need updated copy of two (2) latest paycheck stubs
3. Need updated two (2) months of checking and savings account statements with beginning and ending balance (latest not more than 30 days old) from account ending 7424
4. 2017 Tax return including all schedules, page 2 must be signed
5. Need updated copy of current utility bill
6. Need updated IRS Form 4506-T
7. Other: Need signed and dated contribution letter from Manuel Medina stating how much is being contributed to the household
  - o Need proof of income from Manuel Media and proof of occupancy, if residing at the property

BSI will NOT consider your application until it is complete, meaning that we have received all documents we require as part of the review process within the time frames required by BSI. Once we receive a complete application, BSI must either deny your application for a foreclosure prevention alternative or submit a written offer for a foreclosure prevention alternative within 30 calendar days. If a written offer for a foreclosure prevention alternative is made to you, you will have fourteen (14) calendar days from the date you receive the offer to accept. Any offer that is not accepted or rejected within fourteen (14) calendar days is deemed to be rejected.

Licensed as Servis One, Inc. dba BSI Financial Services.

BSI Financial Services NMLS # 38078. Customer Care Hours: Mon. - Fri. 8:00 am to 11:00 pm (ET) and Sat. 8:00 am to 12:00 pm (ET).

If you have filed a bankruptcy petition and there is an "automatic stay" in effect in your bankruptcy case or you have received a discharge of your personal liability for the obligation identified in this letter, we may not and do not intend to pursue collection of that obligation from you personally. If either of these circumstances apply, this notice is not and should not be construed to be a demand for payment from you personally. Unless the Bankruptcy Court has ordered otherwise, please also note that despite any such bankruptcy filing, whatever rights we hold in the property that secures the obligation remain unimpaired.

1425 Greenway Dr  
Suite 400  
Irving, TX 75038  
Toll Free 866-581-4514  
Fax 800-878-4645  
www.bsifinancial.com

Please note that the documents you submitted with your application or will submit to BSI in the future, automatically expire sixty (60) calendar days from their issue date. Expired documents will not be considered in the foreclosure prevention alternative review process. It is your obligation to keep all documents in your application current.

If your home is currently in foreclosure and unless these events have already occurred, BSI will not record a Notice of Default, Notice of Sale or go to sale within thirty (30) calendar days from the date of this letter. Likewise, if applicable, BSI will not commence a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment or conduct the foreclosure sale within thirty (30) calendar days from the date of this letter. However, if we do NOT receive all the additional information requested in this letter or in any subsequent communication, within thirty (30) calendar days from the date of this letter, BSI may proceed with any of the acts mentioned herein, including, but not limited to, foreclosing on the subject property.

If you should have any questions or concerns about our evaluation process or procedure, please contact BSI toll free at 800-327-7861, Monday through Friday 8:00 a.m. - 11:00 p.m. (ET) and Saturday 8:00 a.m. - 12:00 p.m. (ET).

Sincerely,

JACOB CHESHER  
Loss Mitigation Specialist

BSI Financial Services  
NMLS # 38078; # 842052

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

T05\_701-09212015

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If you have filed a bankruptcy petition and there is an "automatic stay" in effect in your bankruptcy case or you have received a discharge of your personal liability for the obligation identified in this letter, we may not and do not intend to pursue collection of that obligation from you personally. If either of these circumstances apply, this notice is not and should not be construed to be a demand for payment from you personally. Unless the Bankruptcy Court has ordered otherwise, please also note that despite any such bankruptcy filing, whatever rights we hold in the property that secures the obligation remain unimpaired.

EXHIBIT B

EXHIBIT B

Subject: Re: RE: 16-51329 LM Status Hearing October 2

From: JDefeyter@mclaw.org

To: nrzbk@yahoo.com

Date: Tuesday, September 25, 2018, 11:10:38 AM PDT

Good afternoon,

Do you have an update on the documents so the LM can be reviewed before the hearing ?

Thank you

From: nathan zeltzer [mailto:nrzbk@yahoo.com]  
Sent: Tuesday, September 18, 2018 4:24 PM  
To: Janet Defeyter  
Subject: Re: RE: 16-51329 LM Status Hearing October 2

Hello Ms. Defeyter:

My client has obtained the documents, and will be getting them to me in the next couple days. When I receive them I will forward them to you.

Nathan Zeltzer

Janet Defeyter  
Bankruptcy Specialist



9330 LBJ Freeway  
Suite 900  
Dallas, TX 75243  
713-487-3893  
949-252-1032 (fax)  
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On Monday, September 17, 2018, 7:05:40 AM PDT, Janet Defeyter  
<JDefeyter@mclaw.org> wrote:

Good morning Mr. Zeltzer,

Can you please advise the status of the requested documents requested from your office on September 7, 2018? The creditor did not receive the previous documents the debtor stated they sent prior to the last hearing. The information is still needed to continue the LM review. As we have a hearing coming up on this matter we would request the documents be provided as soon as possible so the LM review can be completed before the hearing.

Let me know if you have any questions.

Thank you

**Next Note**

File	Case	Sequence	Category	Created By	Date	Private	Action
		MC-NV MFR	General	Defeyter, Janet	09/18/2018 02:00 PM	Yes	<a href="#">Edit</a> <a href="#">Compose Message</a> Audit

**Note**

Left voice message for DA on status of requested documents

**Next Note**

File	Case	Sequence	Category	Created By	Date	Private	Action
		MC-NV MFR	General	Defeyter, Janet	09/17/2018 07:05 AM	Yes	<a href="#">Edit</a> <a href="#">Compose Message</a> Audit

**Note**



From: Janet Defeyter  
Sent: Monday, September 17, 2018 7:06 AM  
To: 'nathan zeltzer'  
Subject: RE: 16-51329 LM Status Hearing October 2

Good morning Mr. Zeltzer,

Can you please advise the status of the requested documents requested from your office on September 7, 2018? The creditor did not receive the previous documents the debtor stated they sent prior to the last hearing. The information is still needed to continue the LM review. As we have a hearing coming up on this matter we would request the documents be provided as soon as possible so the LM review can be completed before the hearing.

Let me know if you have any questions.

Thank you

Next Note							
File	Case	Sequence	Category	Created By	Date	Private	Action
		MC-NV MFR	General	Defeyter, Janet	09/07/2018 08:11 AM	Yes	<a href="#">Edit</a> <a href="#">Compose Message</a> <a href="#">Audit</a>
<b>Note</b>							
<p>From: Janet Defeyter                      Sent: Friday, September 07, 2018 8:12 AM                      To: 'nathan zeltzer'                      Subject: RE: 16-51329 LM</p> <p>RE: Vanda Ho Ching</p> <p>Good morning Mr. Zeltzer,</p> <p>Attached please find the a copy of the missing documents letter sent to the borrower. Can you please review with the debtor and sent the requested documents to me directly so we have a copy for our records and we will also forward to the loan modification department.</p> <p>Let me know if you have any questions.</p> <p>Thank you</p>							

Subject: Re: RE: 16-51329 LM Status Hearing October 2

From: nrzbn@yahoo.com

To: JDefeyter@mclaw.org

Date: Tuesday, September 18, 2018, 4:23:45 PM PDT

Hello Ms. Defeyter:

My client has obtained the documents, and will be getting them to me in the next couple days. When I receive them I will forward them to you.

Nathan Zeltzer

On Monday, September 17, 2018, 7:05:40 AM PDT, Janet Defeyter <JDefeyter@mclaw.org> wrote:

Good morning Mr. Zeltzer,

Can you please advise the status of the requested documents requested from your office on September 7, 2018? The creditor did not receive the previous documents the debtor stated they sent prior to the last hearing. The information is still needed to continue the LM review. As we have a hearing coming up on this matter we would request the documents be provided as soon as possible so the LM review can be completed before the hearing.

Let me know if you have any questions.

Thank you

Janet Defeyter  
Bankruptcy Specialist



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EXHIBIT C

EXHIBIT C

Subject: RE: Ho Ching, V./Cs. No. 16-51329

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From: kzilberstein@ghidottilaw.com

To: nrzbnk@yahoo.com

Date: Wednesday, September 26, 2018, 10:51:57 AM PDT

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Hi Nathan,

I have been trying to call you to discuss this matter. Our client advised that a modification would not be of a benefit to the Debtor. Any modification terms would be worse than her current loan terms under the prior modification. It is my understanding that there is a problem with the insurance and taxes. My client is willing to waive the past taxes and insurance costs. Please have your client get a new insurance policy naming and forward the information to us so that we can provide it to our client to ensure that the insurance is properly handled through the escrow account. With regard to the post-petition default, they would like to enter an APO. The default is approximately 8 months. Please advise how you would like to proceed.

Thanks,

Kris

Kristin A. Zilberstein | Managing Bankruptcy Attorney | Member State Bars of CA, WA, and TX

600 E. John Carpenter Fwy., Suite 200

Irving, TX 75062

Office: (949) 427-2010 ext. 1010

Fax: (949) 427-2732

Email: kzilberstein@ghidottilaw.com



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**From:** nathan zeltzer [mailto:nrzbk@yahoo.com]  
**Sent:** Wednesday, September 26, 2018 12:44 PM  
**To:** Kristin Zilberstein <kzilberstein@ghidottilaw.com>  
**Subject:** Ho Ching, V./Cs. No. 16-51329

Hello Ms. Zilberstein:

I represent Vanda Ho Ching in a Ch. 13 bankruptcy here in Reno, NV. The predecessor law firm representing BSI Financial Services was working on a loan modification application on Ms. Ho Ching. Should we send you the documents on this loan mod. app., or send it to your client's loan modification department? Please let me know.

Nathan Zeltzer

LAW OFFICE OF NATHAN R. ZELTZER,  
Nathan R. Zeltzer, Esq., NV SBN 5173  
232 Court St  
Reno, Nevada 89501  
[nrzbk@yahoo.com](mailto:nrzbk@yahoo.com)  
(775) 786-9993

ECF-filed on: 9/28/2018

Attorney for Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \*

IN RE:	)	Case No.: BK-16-51329btb
	)	Chapter 13
VANDA HO CHING	)	
	)	<b>CERTIFICATE OF SERVICE</b>
	)	
	)	
Debtor.	)	

1. On September 28, 2018, I served the following document: STATUS CONFERENCE STATEMENT.

2. I served the above-named documents by the following means to the persons as listed below:

X a. ECF System:

William Van Meter  
[c13ecf@nvgbell.net](mailto:c13ecf@nvgbell.net), [wvanmeter13@ecf.epiqsystems.com](mailto:wvanmeter13@ecf.epiqsystems.com)  
Jennifer Bergh  
[jbergh@ghidottilaw.com](mailto:jbergh@ghidottilaw.com)  
Karen Ayarbe  
[karenayarbe@kernltd.com](mailto:karenayarbe@kernltd.com)  
Michael Chen  
[bknotice@mccarthyholthus.com](mailto:bknotice@mccarthyholthus.com)

\_\_\_ b. United States Mail, postage fully prepaid:

\_\_\_ c. Personal Service: I personally delivered the document(s) to the persons at these addresses:

X d. By direct e-mail (as opposed to through the ECF System)

Vanda Ho Ching  
[Vanda.Hoching@optum.com](mailto:Vanda.Hoching@optum.com)

\_\_\_ e. By fax transmission

\_\_\_ f. By messenger

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: September 28, 2018

/s/Nathan Zeltzer  
Nathan Zeltzer, Declarant